



Governor Terry E. Branstad

Lt. Governor Kim Reynolds

San Wong, Director

## JUVENILE JUSTICE ADVISORY COUNCIL

"To advocate for an effective, fair and equitable justice system for every Iowa youth."

### MINUTES OF REGULAR MEETING

Urbandale Public Library  
3520 86<sup>th</sup> Street, Room B  
Urbandale, IA 50322

Tuesday, March 1, 2016

**Present:** Joel Illian, Chair; Andrew Allen; Christy Burkhart; Karyn Finn; Wayne Ford; Chad Jensen; Karen Jones; Jeremy Kaiser; Roy Klobnak; Trevor Lynn; Bill Ocker; John Quinn; Tony Reed; Jennifer Tibbetts; Julie Walton; Jeralyn Westercamp; Doug Wolfe

**Staff:** Steve Michael; Dave Kuker; Scott Musel; Kathy Nesteby; Jeff Regula; Julie Rinker;

#### I. Call to Order

- **Changes and Approval of Agenda**

Joel Illian, Chair, called the meeting to order at 10:04 a.m. A quorum was present. Introductions were made.

#### II. Approve Minutes

**Jeremy Kaiser moved to approve the minutes from the December 3<sup>rd</sup> meeting, seconded by Roy Klobnak. There was no discussion. The motion was unanimously approved.**

#### III. Council Budget Report

- **Funds Adjustment**

Scott Musel reported on the status of the Council's budget. A balance of \$19,533.63 remains through September 30. Musel discussed the \$3,600 balance originally budgeted for the Mental Health Subcommittee. Staff recommended moving the funds to the Travel line item. A balance of \$2,317.60 remains in the travel budget. Expenses for Illian and Musel to attend the Coalition for Juvenile Justice (CJJ) annual conference in Washington, DC, may exceed that amount.

**Jeremy Kaiser moved to approve transferring \$3,600 budgeted for the Mental Health Subcommittee to the Travel line item. The motion was seconded by Tony Reed.**

Andrew Allen asked if there were other expenses related to the Mental Health Subcommittee. Musel explained that the funds were originally dedicated to travel reimbursements for subcommittee members. He noted that past discussions included interweaving mental health within the other subcommittees.

Karyn Finn asked if the subcommittee was disbanded or if the funds were a place holder for future years. Musel stated that this Council is working with the National Alliance on Mental Illness (NAMI) and other active groups whose primary concerns are mental health.

**There was no further discussion and the motion was unanimously approved.**

- **Travel Request**

Kathy Nesteby requested approval for travel expenses for the April “Girls to Women” conference in Minneapolis. She and Jennifer Tibbetts would attend the conference. Anticipated costs are approximately \$845 for registration, meals, mileage, and lodging. Nesteby added that she and Tibbetts hope to meet separately with the presenters to discuss the Iowa Girls Justice Initiative (IGJI) and seek assistance with the project.

There being no other anticipated out-of-state travel expenses for the year, Kaiser thought it made sense, especially with concerns regarding services for delinquent girls.

**Allen moved to approve expenses in the amount of \$845 for Nesteby and Tibbetts to attend the conference, seconded by Karen Jones. There was no further discussion and the motion was unanimously approved.**

#### **IV. Iowa Task Force for Young Women position paper update**

Nesteby presented the position paper for approval. The only changes were updated data that show increases in the average length of stay and the average daily population in detention since the closure of the Iowa Juvenile Home (IJH). The focus of the paper was on high risk/high need girls who would have been served at the IJH, but were now being held in detention, waived to adult court, or sent to out-of-state facilities. The paper listed a variety of best practices for girls.

The Council was interested in taking a firmer stance. A lengthy discussion included the following:

- What type of facility would be best for these girls—secure or non-secure
- What are the minimum services/program requirements.
- Length of stay in detention--since the closure of the IJH, some girls have been held in detention for a considerable length of time because all other options have been exhausted. In the past, these girls would have been served at the IJH.
- Out-of-state placement—concerns include the number of girls placed out-of-state, costs associated with this placement, facility locations, distance from family and family visitation.
- What other options would better serve this population?
- There is a need for 20-30 beds within the state.

Due to time constraints, Illian suggested interested members serve on the Iowa Task Force for Young Women (ITFYW) or a subset to address position paper options. He called for a vote.

**Doug Wolfe moved to approve the position paper, seconded by Klobnak. There was no further discussion. The motion was unanimously approved.**

#### **V. Presentation by Brent Pattison – Indiscriminate Shackling of Youth in Court**

Brent Pattison, Director of the Middleton Children's Rights Center at Drake University, presented information on the use of shackling of juveniles in the courtroom. There is a growing consensus by social researchers that considerable harm is caused through this practice. A growing number of states are limiting use through legislation or court rule. He proposed that Iowa adopt a juvenile court rule that restraints only be used when there is risk to safety or flight from the courtroom.

Pattison distributed several handouts—a resolution from the National Council on Juvenile and Family Court Judges, proposed wording for a juvenile court rule, and an explanation for adopting the rule. The information has been shared with Chief Justice Mark Cady and others.

Based on research, shackling impairs a child's ability to pay attention and participate in the court hearing; they are unable to sign forms or take notes; can affect language and cognitive skills; youth feel a sense of embarrassment, humiliation, and shame; and shackling can influence the presumption of innocence. In states where shackling has been eliminated, there have been no breaches in security. Pattison acknowledged challenges with courtroom layout and security.

He asked for comments/concerns.

- While in agreement, there are security concerns when no bailiff or deputy is present in the courtroom, especially when JCO's have to testify. It's their responsibility to monitor and supervise the youth. Pattison responded that consideration could be given to holding hearings at the detention center or finding other options.
- Risk assessments could be taken into consideration.
- Courthouse design can be a factor.
- A youth's behavior can be influenced by others present in the courtroom—family members/agitation, having to present a macho image in front of others, etc.
- Most youth in detention are not violent felons. Policy consideration should be given to the majority, not the exception to the rule.

The Council thanked Pattison for the information and appreciated the balanced presentation.

[The group recessed for lunch from 12:03 to 12:45 p.m.]

## **VI. Formula Funds (Title II) Budget Discussion**

Musel discussed the status of diminished federal funding. He asked if the Council wished to discuss the matter as a whole or defer to the Policy & Programs Subcommittee (PnP). There was consensus to defer to the PnP. Members were invited to attend. A date was not set.

## **VII. Current Iowa Legislation**

Information regarding juvenile justice-related legislation was included in the meeting packet. Musel provided the following update:

SF2191 – provides for the establishment of an office in the Department of Public Safety to oversee efforts to combat human trafficking. The bill passed in the Senate. Musel did not think there was any movement on a companion bill in the House.

- **SF2270: Study group for extending juvenile court jurisdiction**

SF2270 – extends juvenile court jurisdiction to include youth up to age 21. The bill requires that CJJP seat a task force to examine extending juvenile court jurisdiction and submit a report by December 15. The bill passed in the Senate yesterday. The legislation builds upon brain development research. Concerns include resources for juvenile court supervision.

- **SF2288: Confidentiality of Juvenile Delinquency Records**

SF2288 – modifies the Iowa Code to provide that juvenile court records (arrest through disposition) are confidential and not public except in forcible felony cases. The bill passed in the Senate. A letter of support was sent by this Council to key legislators.

- **HF2136, HF2137 and HF2139: Third Grade Retention (Iowa Code 279.68)**

The above-referenced bills did not pass out of committee prior to the deadline.

Dave Kuker noted that a letter to the editor from Carl Smith was published in last Sunday's Des Moines Register and restated the Council's position against retention and the need for resources to help kids prior to third grade.

Reed referenced a Senate study bill (SSB3054) regarding civil penalties for the reinstatement of drivers licenses that were tied to detention funding. [Note: Staff offered to follow up and found that the bill did not pass out of committee.]

**VIII. Current Federal Legislation**

- S.675 – Record Expungement Designed to Enhance Employment Act of 2015 (REDEEM Act)
- S. 1770 – The Youth Promise Act (YPA)
- S. 1850 – Prohibiting Detention of Youth Status Offenders Act of 2015
- S. 1965 – Maintaining dignity and Eliminating unnecessary Restrictive Confinement of Youths
- S. 2123 – Sentencing Reform and Corrections Act of 2015
- HR. 68 – Juvenile Accountability Block Grant Reauthorization
- HR. 2797 – Student Disciplinary Fairness Act of 2015
- HR. 3155 – The School Disciplinary Fairness Act of 2015

Musel reported that these bills are related to juvenile holds and record expungement at the federal level. He asked for guidance regarding the amount of emphasis to place on these issues when he and Illian meet with Iowa legislators in Washington, DC, in April.

After a brief discussion, there was consensus to focus on reauthorization of the Juvenile Justice & Delinquency Prevent Act (JJDP) (S1169) and funding.

**IX. Presentation by Christy Burkhardt – Juvenile Court Process & Decision Making**

Christy Burkhardt, JCO IV with Polk County Juvenile Court Services, presented information regarding juvenile court processing. She reviewed a flowchart which demonstrates the case process from referral to disposition and reviewed the use of the Detention Screening Tool (DST) and the Iowa Delinquency Assessment (IDA). Burkhardt emphasized efforts made by JCO's to keep youth from entering the system. A variety of circumstances are taken into consideration when determining what is best for the individual youth. Polk County has hired a restorative justice specialist to help youth and their families find resources and services.

**X. Division Update/National Update – Steve Michael**

Steve Michael introduced Jeff Regula, statistical research analyst, who was hired last fall.

Michael reported on upcoming Department of Human Rights (DHR) activities—open house, legislative breakfast.

March 14-15 – The Council of State Governments is conducting a site visit to consider if Iowa qualifies to develop a comprehensive statewide plan to improve youth outcomes in the juvenile justice system. If awarded, Iowa is then eligible to apply for implementation funding. Meetings will be held with key leaders of the three branches of state government.

Kuker provided an overview of the Juvenile Reentry System initiative. The purpose is to implement a plan for youth exiting the Boys State Training School, Psychiatric Medical Institutes

for Children (PMICs), and group care. The plan encompasses supports in their home communities including education, workforce development, services, medication, family counseling, etc. The plan is funded through a federal grant. The task force is comprised of system officials who have the ability to implement policy and procedures for long-term success.

## **XI. Current Activities**

### **A. Priority One: Evidence-Based Practices**

Nestey provided a brief overview of the Juvenile Justice Reform and Reinvestment Initiative (JJRRI) which utilizes the Standardized Program Evaluation Protocol (SPEP) tool to measure effectiveness of juvenile delinquency services in reducing recidivism.

The project began in 2012 and has been piloted in the 1<sup>st</sup>, 3<sup>rd</sup>, and 6<sup>th</sup> Judicial Districts. Selected programs are being rescored to determine whether recommended improvements have been made. The project has recently expanded to the 4<sup>th</sup> and 5<sup>th</sup> Districts. Federal funding ends in September. CJJP is trying to secure funding to sustain the effort and eventually move statewide.

A site visit will be conducted in late March by the researchers who are overseeing the project. A process template is being developed for new providers.

The SPEP tool can also evaluate group care for delinquents. Including it in the group care RFP would institutionalize it. Once programs have been rescored, Nestey was hopeful that the data show improvements made. A report will be shared next session with legislators.

### **B. Priority Two: Compliance Monitoring and Research**

Musel reported that this is the middle of 12-month compliance monitoring period. Data has been collected from most off the required facilities, no violations have been found. The report will be submitted by the June 30 deadline. He reviewed the four core requirements—jail removal, DMC, sight/sound separation, and Deinstitutionalization of Status Offenders (DSO).

Musel is also working on compiling gender data and DMC matrices. The information will be available in late March, early April.

### **C. Priority Three: Gender Equity**

Tibbetts reported that the Iowa Girls Justice Initiative has been holding monthly meetings. The purpose is to develop a plan for high-needs girls. The project is funded through a grant and is separate from the task force. Nestey was hopeful that when the project has ended that some members would sit on the Iowa Task Force for Young Women (ITFYW).

Last month's ITFYW meeting focused on position paper.

### **D. Priority Four: Disproportionate Minority Contact**

Kuker noted that the overall effort has been to keep kids from entering the system and JCS. Sixty-four percent of youth who get a JCS referral do not recidivate.

Recent data show more success in reducing DMC is at the local level primarily through law enforcement diversion practices. Teams from Scott, Linn, and Johnson counties have attended training in Georgetown and this has contributed to local success in those areas. Polk County is looking at a variety of issues.

A community planning event is scheduled for June 15 at Adventureland Inn. The Chief

Justice will be in attendance, James Bell with the Burns Institute will facilitate. Teams from nine communities will develop community plans to reduce DMC.

Meetings are being planned this spring with minority youth, including both justice and non-justice involved youth. The purpose is to gain their perspectives on school discipline, law enforcement, and the system. Discussions will be summarized and shared at the June event. Kuker was hopeful that some of these youth will connect to local DMC efforts.

Separately, Polk County JCS is holding "Courageous Conversations", AmeriCorps staff in DHR will be involved in this effort as well as the minority youth meetings.

**E. Priority Five: Mental Health, Substance Abuse and Brain Development**

Musel reported that CJJP staff have met with NAMI to align efforts with this Council.

**XII. Unfinished Business**

The Council discussed holding the June 2<sup>nd</sup> meeting at the Boys State Training School. Musel will make arrangements.

Burkhart asked about the status of the YRR handbook. The handbook is in the edit phase.

**XIII. New Business**

Members were provided with parking permits allowing them to park in employee or visitor parking lots when conducting business on the Capitol complex.

**XIV. Adjourn**

The meeting adjourned at 3:05 p.m.

Respectfully submitted,

Julie Rinker  
Administrative Secretary  
Div. of Criminal & Juvenile Justice Planning  
Iowa Department of Human Rights